

ORIGINAL

Approved: _____

RUSHMI BHASKARAN

Assistant United States Attorney

Before: THE HONORABLE HENRY PITMAN
United States Magistrate Judge
Southern District of New York

- - - - - X
: SEALED COMPLAINT
UNITED STATES OF AMERICA :
:
- v. - : Violations of
: 18 U.S.C. §§ 1542,
: 1028A, and 2
FAI WONG, :
a/k/a "Alan Wong," : COUNTY OF OFFENSE:
a/k/a "Alan Fai Wong," : NEW YORK
:
Defendant. :
:

SOUTHERN DISTRICT OF NEW YORK, ss.:

19 MAG 1331

JOHNNY FERNANDEZ, being duly sworn, deposes and says that he is a Special Agent with the U.S. Department of State, and charges as follows:

COUNT ONE

(False Statement in Application for Passport)

1. On or about May 23, 2014, in the Southern District of New York and elsewhere, FAI WONG, a/k/a "Alan Wong," a/k/a "Alan Fai Wong," the defendant, willfully and knowingly did make false statements in an application for a passport with intent to induce and secure the issuance of a passport under the authority of the United States, for his own use and the use of another, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, to wit, WONG submitted a United States passport renewal application containing false information about his identity, including a false name, place of birth, and Social Security Number.

(Title 18, United States Code, Sections 1542 and 2.)

COUNT TWO

(Aggravated Identity Theft)

2. On or about May 23, 2014, in the Southern District of New York and elsewhere, FAI WONG, a/k/a "Alan Wong," a/k/a "Alan Fai Wong," the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, WONG possessed, used, and transferred the personal identification information of another person in connection with his fraudulent passport application, as charged in Count One of this Complaint.

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Special Agent with the U.S. Department of State. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Through my training and experience as a Department of State Special Agent, I have learned the following about the passport application process:

a. To obtain a United States passport, an individual must submit a passport application with information such as the applicant's name, date of birth, Social Security Number, and address. A photograph of the applicant must be affixed to the application.

b. The applicant must appear in person before a passport acceptance agent. Before approving any application for a passport, the passport acceptance agent will require the applicant to provide photo identification and proof of citizenship, such as a driver's license and birth certificate,

and will verify that the applicant appears to be the same person as the person in the photo identification as well as the same person in the photograph affixed to the passport application. The applicant must then sign the application, thereby certifying that the information on the application is true and correct.

c. If the application is approved, the applicant will be issued a United States passport.

5. Based on my personal investigation of this matter, my conversations with other law enforcement officers, my review of records maintained by law enforcement, including immigration records, and my review of notes of interviews conducted by other law enforcement officers, I have learned, among other things the following:

a. In or about 2003, FAI WONG, a/k/a "Alan Wong," a/k/a "Alan Fai Wong," the defendant, became a naturalized United States citizen.

b. In or about 2003, WONG was issued a United States passport in connection with his naturalization (the "WONG Passport"). The 2003 Passport expired in 2013 and was never renewed.

c. On or about October 7, 2013, WONG fraudulently obtained a New Jersey driver's license in the name of another individual ("Victim-1") by using Victim-1's personal identification information.

d. On or about May 23, 2014, WONG executed an application for a United States Passport (the "Passport Application") before a passport acceptance official in New York, New York. The Passport Application was in the name of Victim-1, a United States citizen, included a photograph purporting to be that of Victim-1, and listed Victim-1's Social Security Number.

e. In support of the application, WONG presented a New Jersey Driver's License in the name of Victim-1 and with a driver's license number belong to Victim-1. WONG also presented a New York City Birth Certificate, New York State Benefits card, Health Plan of New York card, and Social Security card in Victim-1's name.

f. WONG additionally was accompanied by a co-conspirator, CC-1, who is the brother of Victim-1. CC-1 filed an affidavit falsely affirming that WONG was CC-1's brother.

g. On or about May 23, 2014, a passport was issued in the name of Victim-1 with a passport number ending in 3494 (the "2014 Passport").


h. On April 5, 2016, a Deputy United States Marshal provided a photocopy of the 2014 Passport to a Special Agent with the Diplomatic Security Service ("Special Agent-1"). Special Agent-1 compared the photo in the 2014 Passport with the photo in the WONG Passport and found that the photographs resembled each other based on facial similarities.

i. On August 23, 2018, in connection with the investigation by Special Agent-1, law enforcement officials interviewed CC-1 in the Bronx, New York. CC-1 stated that he knew WONG, and that CC-1 and WONG were former coworkers and friends. In approximately 2012 or 2013, CC-1 and WONG discussed opening a marijuana dispensary business. WONG stated that he could not open up the dispensary in his name because of his criminal history. WONG therefore suggested using the identification of CC-1's brother, Victim-1.

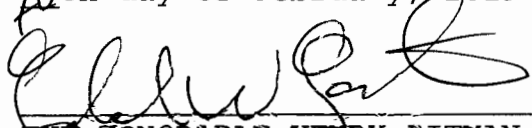
j. During the interview with CC-1, CC-1 confirmed that he had accompanied WONG to the passport office in connection with the application for the 2014 Passport. He further stated that he had filled out and signed an affidavit in support of WONG's application, which had been submitted under the identity of CC-1's brother, Victim-1.

k. I have personally reviewed the photograph submitted with the application for the WONG Passport and the photograph submitted with the application for 2014 Passport. Based on my training and experience, including training in facial recognition techniques, I believe that these photographs are of the same individual.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of FAI WONG, a/k/a "Alan Wong," a/k/a "Alan Fai Wong," the defendant, and that he be arrested and imprisoned or bailed, as the case may be.


JOHNNY FERNANDEZ
Special Agent
U.S. Department of State

Sworn to before me this
7th day of February, 2019


THE HONORABLE HENRY PITMAN GABRIEL GARCIA
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK